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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,268	02/19/2002	Carolyn M. McNeeley	29939/30057	6115

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EXAMINER

TRAN, KHOA H

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

10/079,268

Applicant(s)

MCNEELEY ET AL.

Examiner

Khoa Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7-9, 11-14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by G. C. Albaugh. Albaugh disclose a turntable comprising a circular screw down base (E) having a first dimension that is greater than a circular top second dimension (B-D), a plurality of bearings (H) attach to a rotating member and circular top, see Figure 2, wherein the rotating member's hooks attach to the base.

Claims 1, 2, 4-7, 9, 11-13, 16-20, 24, 25, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Plocek et al. Plocek et al. disclose a turntable comprising a base having circular first dimension that is greater than a circular top second dimension (14A), see Figures 1 and 4, a plurality ball bearings (140) disposed on a rotating member (142) and couple between circular base and top members and the circular top has mounting hooks, see Figure 4, that engage with the base.

Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by A. R. Botham. Botham discloses a turntable that met all limitation of the claims. For example, the turntable comprising a circular base (11) having a first dimension that is greater than a circular top (10) second dimension, a plurality ball bearings (13) disposed on a rotating member (12) and couple between circular base and top members and a user interface (30). See Figure 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over G. C. Albaugh as applied to claims 1, 2, 4, 5, 7-9, 11-14, 16, and 18 above. With respect to claims 2-4, 17, and 29, it would have been an obvious matter of engineering design choice as determined through routine experimentation and optimization for one of ordinary skill in the art to routinely dimension an offset of the first dimension with the second dimension to be about 1/32, 1/16 or 1/2 inch for a particular application thus producing no new and unexpected results.

Claims 3, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plocek et al. as applied to claims 1, 2, 4-7, 9, 11-13, 16-20, 24, 25, and 32 above. With respect to claims 2-4, 17, and 29, it would have been an obvious matter of engineering design choice as determined through routine experimentation and optimization for one of ordinary skill in the art to routinely dimension an offset of the first dimension with the second dimension to be about 1/32, 1/16 or 1/2 inch for a particular application thus producing no new and unexpected results.

Claims 2-4, 6, 9-13, 15-25, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over A. R. Botham as applied to claims 1, 5, 7, and 11 above and further in view of Morgan et al. Morgan et al. teach a circular base having at least one

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track (42) and hooks (33) engaged with hooks (45) on a circular top shelf (20), see Figures 2 and column 4, lines 10-15, and a plurality ball bearings (46) disposed on a rotating member (41) coupled between the circular base and top members. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the base and top of Botham with the provision of a base having hooks engage with hooks of top shelf as taught by Morgan et al. in order to have a plurality stackable shelves with a cap (10) thereon top for storing more items thereon. With respect to claims 2-4, 17, and 29, it would have been an obvious matter of engineering design choice as determined through routine experimentation and optimization for one of ordinary skill in the art to routinely dimension an offset of the first dimension with the second dimension to be about 1/32, 1/16 or 1/2 inch for a particular application thus producing no new and unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Robbins et al., Tanne et al., Weisburn et al., Szenay et al., Numbers, Lu, L. H. Barnett et al., Humphrey et al., Salladay, Henderson et al., Potter, Sammons, Smith, Skoretz, Jorgensen et al., (805) and ('715), Short, Liu, Duhon, and Newton are cited to show similar configurations of design.

### ***Allowable Subject Matter***

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claim 28 is allowed because there is no prior art that teaches or suggests a turntable possessing the entire combination of features specified by the claims. In particular, while features may be individually known, there is no teaching of a turntable comprising a base having a diameter that is greater than a rotatable top, ball bearings disposed between the base and the top, a rotating member movably coupled to the base with one or more mounting hooks and the top including one or more projections engaged with one or more apertures in the rotating member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be

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submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

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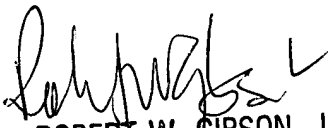
Type or printed name of person signing this certificate:

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Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran  
June 15, 2003

  
ROBERT W. GIBSON, JR.  
PRIMARY EXAMINER  
ART UNIT 3634